



09-22-05

1F3743

PTO/SB/21 (08-00)

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Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	<b>Application Number</b>	09/872,135	
	<b>Filing Date</b>	May 31, 2001	
	<b>First Named Inventor</b>	Yoe	
	<b>Group Art Unit</b>	3743	
	<b>Examiner Name</b>	Camtu T. Nguyen	
<b>Total Number of Pages in This Submission (excluding references)</b>	6	<b>Attorney Docket No.</b>	50623.168

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Deposit Account Authorization 07-1850	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Postage Paid Return Postcard	<input type="checkbox"/> Formal Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Supplemental Response to Office Action (1 page)	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input checked="" type="checkbox"/> Affidavits/declaration(s): Declaration Under 37 CFR § 1.131 signed in counterparts (4 pages)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Submission of Formal Drawings (in duplicate)
<input type="checkbox"/> Petition for Extension of Time (___ month) (in duplicate)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Amendment Transmittal Letter (in duplicate)	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement (in duplicate) with Form PTO-1449 (pgs) enclosing References	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Request for Continued Examination (RCE) Transmittal	<input type="checkbox"/> CD, Number of CD(s) _____	
<input checked="" type="checkbox"/> Express Mail Label No. EV 721 157 334 US	Remarks	
<input checked="" type="checkbox"/> Certificate of Mailing		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Squire, Sanders & Dempsey L.L.P. Mark Lupkowski, Reg. No. 49,010
Signature	
Date	September 20, 2005

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service via Express Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date below:			
Typed or printed name	Yayoi Barrack		
Signature		Date	September 20, 2005

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50623.00168

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Examiner: Camtu Tran Nguyen

Yoe et al.

Serial No.: 09/872,135

Art Unit: 3743

Filed: May 31, 2001

Title: Radiation Or Drug Delivery Source With Activity Gradient To Minimize Edge Effects

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL RESPONSE TO OFFICE ACTION**

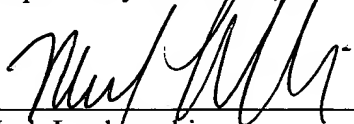
Dear Examiner Nguyen:

The enclosed executed Declarations under 37 CFR § 1.131 address the Office Action mailed on December 29, 2004 for the above-mentioned application. An unexecuted Declaration was filed with the response filed on June 28, 2005. If I can be of any help, please contact me.

The undersigned authorizes any fees that may be required, or credit of any overpayment to be made to Deposit Account No. 07-1850.

Date: September 20, 2005  
Squire, Sanders & Dempsey L.L.P.  
One Maritime Plaza, Suite 300  
San Francisco, CA 94111  
Telephone (415) 954-0297  
Facsimile (415) 393-9887

Respectfully submitted,

  
Mark Lupkowski  
Attorney for Applicants  
Reg. No. 49,010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Yoe et al.



Examiner: Camtu Tran Nguyen

Serial No.: 09/872,153

Art Unit: 3743

Filed: May 31, 2001

Title: Radiation Or Drug Source With Activity Gradient To Minimize Edge Effects

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

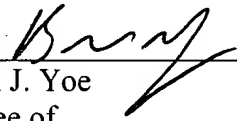
**DECLARATION UNDER 37 CFR § 1.131**

We, Brandon J. Yoe and Arthur Au, declare as follows:

1. Prior to April 12, 2001, we conceived of or invented the subject matter of the claims in the application identified above.
2. We have attached a redacted copy of an invention disclosure form showing the subject matter of the invention. As can be seen, this selection of pages shows conception of the invention prior to April 12, 2001.
3. The subject matter of the invention was reduced to practice in a diligent manner, as at least shown by the constructive reduction to practice of the invention merely forty-nine (49) days after the filing date of the Hossainy et al. reference (USPN 6,764,505). In particular, the filing date of the Hossainy et al. reference was April 12, 2001, while the filing date of the current application was May 31, 2001.
4. We further declare that all statements made herein of our own knowledge are true and that all statements made upon information and belief are believed to be true; and further that

these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Executed in California on this 22<sup>nd</sup> day of August, 2005.

By:   
Brandon J. Yoe  
Employee of  
Advanced Cardiovascular Systems, Inc.

Executed in California on this \_\_\_\_\_ day of August, 2005.

By: \_\_\_\_\_  
Arthur Au  
Former Employee of  
Advanced Cardiovascular Systems, Inc.

Squire, Sanders & Dempsey L.L.P.  
One Maritime Plaza, Suite 300  
San Francisco, CA 94111-3492  
Telephone (415) 954-0323  
Facsimile (415) 393-9887

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Yoe et al.



Examiner: Camtu Tran Nguyen

Serial No.: 09/872,135

Art Unit: 3743

Filed: May 31, 2001

Title: Radiation Or Drug Source With Activity Gradient To Minimize Edge Effects

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION UNDER 37 CFR § 1.131**

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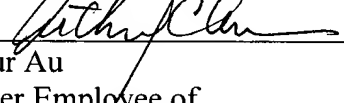
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Executed in California on this \_\_\_\_\_ day of August, 2005.

By: \_\_\_\_\_  
Brandon J. Yoe  
Employee of  
Advanced Cardiovascular Systems, Inc.

Executed in California on this 15<sup>th</sup> day of August, 2005.

By:  \_\_\_\_\_  
Arthur Au  
Former Employee of  
Advanced Cardiovascular Systems, Inc.

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